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In re Application of : DECISION ON RENEWED  
CHEUNG, et al.  
U.S. Application No.: 09/743,827  
PCT No.: PCT/GB99/02267 : PETITION UNDER  
Int. Filing Date: 14 July 1999  
Priority Date: 14 July 1998 : 37 CFR 1.47(a)  
Attorney Docket No.: LEA33820  
For: ANTIPARASITIC ARTEMISININ  
DERIVATIVES (ENDOPEROXIDES)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a)" filed 08 July 2002 in the United States Patent and Trademark Office (USPTO) and supplemented 12 August 2002.

### BACKGROUND

On 04 December 2001, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period was extendable with a proper petition and fee.

On 08 July 2002, applicant filed the current renewed petition accompanied by a petition for a five month extension of time and payment of the extension fee. Applicant has certified that the papers were deposited for mailing on 03 July 2002; accordingly, applicant's renewed petition is considered timely filed.

### DISCUSSION

As detailed in the decision mailed 04 December 2001, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(I), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4).

With the filing of the present renewed petition and accompanying declaration, applicant has satisfied all four items and it is appropriate to grant the petition under 37 CFR 1.47(a). Specifically counsel, having first-hand knowledge of the attempt to locate the non-signing inventor, has certified that the envelopes containing a complete set of application papers and declaration were returned as undeliverable. In addition, applicant has provided declarations from Cecilia Scully and Larry Anderson detailing their efforts to locate a current address for inventor LAM using various search engines and databases. In light of the above, it is proper to GRANT applicant's petition at this time. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

### CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application will be given an international application filing date of 14 July 1999 and a date of **31 July 2001** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).

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For: ANTI PARASITIC ARTEMISININ  
DERIVATIVES (ENDOPEROXIDES)

Dear Dr. Lam:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

*Edward E. Smith*

*by*  
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